

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TODD GIFFEN,

Petitioner,

v.

BARACK OBAMA, et. al.,

Respondents.

No. 1:14-cv-01280-DAD-SAB-HC

ORDER FOLLOWING REMAND FROM
THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT,
DISMISSING PETITION FOR WRIT OF
HABEAS CORPUS, AND DIRECTING
CLERK OF COURT TO CLOSE CASE

On October 22, 2014, U.S. Magistrate Judge Stanley A. Boone recommended that the petition for a writ of habeas corpus filed in this action pursuant to 28 U.S.C. § 2241 be dismissed as frivolous. (Doc. No. 16.) On December 11, 2014, U.S. District Judge Lawrence O'Neill adopted those findings and recommendations and dismissed the habeas petition as frivolous. (Doc. No. 18.)

On December 24, 2014, petitioner filed a motion for reconsideration. (Doc. No. 20.) On January 15, 2015, petitioner filed a notice of appeal from the December 11, 2014 judgment. (Doc. No. 21). On February 5, 2015, District Judge O'Neill denied petitioner's motion for reconsideration. (Doc. No. 27.) On February 9, 2015, petitioner filed an amended notice of appeal from both the judgment and the district judge's ruling on the post-judgment motion. (Doc. No. 28.)


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1 On September 1, 2015, the United States Court of Appeals for the Ninth Circuit issued a
2 memorandum vacating the district court's judgment and remanding the matter with instructions
3 for this court to dismiss the habeas petition for lack of jurisdiction. (Doc. No. 30.) On
4 December 24, 2015, the United States Court of Appeals for the Ninth Circuit denied petitioner's
5 petition for rehearing by the panel. (Doc. No. 34.) On January 5, 2016, the Ninth Circuit issued
6 the mandate that the judgment of that court, entered September 1, 2015, takes effect on January
7 5, 2016. (Doc. No. 35.)

8 In accordance with the Ninth Circuit's remand order and directive, the petition for writ of
9 habeas corpus is DISMISSED for lack of jurisdiction and the Clerk of the Court is DIRECTED
10 to close this case.

11 IT IS SO ORDERED.
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14 Dated: January 6, 2016



DALE A. DROZD
UNITED STATES DISTRICT JUDGE